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11
12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**
14 **SAN FRANCISCO DIVISION**

15 STEVEN LAWSON and DARLA LAWSON, other
16 similar situated individuals,

17 Plaintiffs,

18 vs.

19 GENERAL ELECTRIC COMPANY, and DOES 1-
20 200,

21 Defendants.

Case No.:

COMPLAINT FOR DAMAGES

1. NEGLIGENCE
2. STRICT LIABILITY FOR ULTRA HAZARDOUS ACTIVITY
3. STRICT LIABILITY FOR DESIGN DEFECT
4. PREMISES LIABILITY
5. NEGLIGENCE PER SE
6. LOSS OF CONSORTIUM

JURY TRIAL DEMANDED

22 STEVEN LAWSON and DARLA LAWSON, by their attorney, CHARLES A.
23 BONNER ESQ., respectfully allege, upon information and belief, on behalf of themselves and
24 others similarly situated, as follows:

JURISDICTION AND VENUE

25 1. The jurisdiction of this Court over the subject matter in this action is based upon
26 Diversity Jurisdiction, 28 U.S.C. §1332. The amount in controversy exceeds \$75,000, exclusive
27 of interest and costs. Similarly, jurisdiction exists under the Price-Anderson Act, 42 U.S.C. §§
28 2011-2297.¹ This Court has personal jurisdiction over Plaintiff because Plaintiff submits to the

¹ Price-Anderson Act provides federal jurisdiction over lawsuits for injuries arising out of a "nuclear incident." Under such "public liability actions," the "substantive rules for decision ... shall be derived from the law of the State

1 Court's jurisdiction. This Court has personal jurisdiction over Defendants because they conduct
 2 substantial business in this District, some of the actions giving rise to the Complaint took place
 3 in this District and some of Plaintiff's claims arise out of Defendants operating, conducting,
 4 engaging in, or carrying on a business or business venture in this state or having an office or
 5 agency in this state; committing negligence and a tortious act in this state; and causing injury to
 6 person and property in this state arising out of Defendants' acts and omissions outside this state
 7 and at or about the time of such injuries, Defendants were engaged in solicitation or service
 8 activities within this state or products, materials, or things processed, serviced, or manufactured
 9 by the defendant anywhere were used or consumed within this state in the ordinary course of
 10 commerce, trade, or use. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(a) because
 11 a substantial part of the events or omissions giving rise to these claims occurred in this District,
 12 the Defendants have caused harm to Plaintiffs in this District and the Defendants are residents of
 13 this District under 28 U.S.C. § 1391(c)(2) because they are subject to personal jurisdiction in this
 14 District.

15 PARTIES

16 2. Plaintiff, STEVEN LAWSON ("Mr. Lawson" or "Plaintiff") is a citizen of the
 17 United States of America and is a resident of Nampa, Idaho. At all relevant times, Mr. Lawson
 18 was a welding technician who provided welding and other technical support for Defendant,
 19 GENERAL ELECTRIC's nuclear power plants and other facilities.

20 3. Plaintiff, DARLA LAWSON ("Mrs. Lawson" or "Plaintiff Mrs. Lawson") is a
 21 citizen of the United States of America and is a resident of Nampa, Idaho. At all relevant times,
 22 Mrs. Lawson was the spouse of Plaintiff Steven Lawson.

23 4. DEFENDANT GENERAL ELECTRIC, ("G. E.") at all times herein mentioned,
 24 was and is a for-profit corporation, organized and existing under the laws of the United States of
 25 America, with its principal place of business and Corporate Headquarters located at General
 26 Electric Company 3135 Easton Turnpike Fairfield, CT 06828.

27 in which the nuclear incident involved occurs, unless such law is inconsistent with the provisions of [section 2210]."
 28 42 U.S.C. § 2014(hh). A "nuclear incident" includes "any occurrence ...within the United States causing ...[any]
 sickness, disease, or death ...resulting from the radioactive, toxic, explosive, or other hazardous properties of source,
 special nuclear, or by-product material." 42 U.S.C. § 2014(q).

1 5. General Electric (GE) is an American multinational conglomerate corporation
2 incorporated in New York. The company operates through the following segments: Energy,
3 Technology Infrastructure, Capital Finance as well as Consumer and Industrial.

4 **DOE DEFENDANTS**

5 6. Plaintiffs do not know the true names and capacities, whether individual,
6 corporate, associate, or otherwise of DEFENDANT Does 1 through 200 inclusive, and therefore
7 sue these Defendants by such fictitious names. Plaintiffs will amend their complaint to allege
8 their true names and capacities when this has been ascertained.

9 **STATUTE OF LIMITATIONS**

10 7. Within all the relevant statutes of limitation periods, Mr. Lawson has discovered
11 the facts pertaining to the nature and extent of his injuries. Within all the relevant statutes of
12 limitation periods, Mr. Lawson has discovered the facts which prove that GENERAL
13 ELECTRIC, and/or DEFENDANT DOES 1 through 200, each of them, are the actual and
14 proximate cause of his injuries, damages and harm. Specifically, on or about February 11, 2015,
15 Mr. Lawson discovered that had been injured by exposure to high doses of radiation. He learned
16 this through a diagnosis from his doctors of “brain degeneration with dementia”, in which his
17 doctors noted: “He has a history of exposure to high doses of nuclear radiation on multiple
18 occasions during his career, which lasted longer than 10 years....his current neurological
19 condition is more likely than not, to a medical probability, a result of cumulative radiation
20 exposure to his entire body.” This delayed discovery tolls, both in equity and in law, the
21 expiration of the statutes of limitation.

22 **RESPONDEAT SUPERIOR**

23 8. All of the described conduct, acts, and failures to act herein are attributed to
24 agents and managing agents of GENERAL ELECTRIC and Does 1 through 200. Said acts,
25 conduct and failures to act were within the scope of such agency and employment. At all times
26 relevant herein, each participant was acting within the course and scope of his or her
27 employment and agency.

28 **STATEMENT OF FACTS**

 9. Throughout a time period in excess of 12 years, Plaintiff, Mr. Lawson worked as
a contracting welding technician for Defendant, GENERAL ELECTRIC on its boiling water
nuclear (“BWR”) power plants, both domestically in the United States and abroad

1 internationally. Mr. LAWSON was an employee of Dimetrics Incorporated which contracted
2 with DEFENDANT GENERAL ELECTRIC to have Mr. Lawson and other welders provide
3 welding services on GENERAL ELECTRIC'S nuclear power plants through the United States,
4 including California, New York, Vermont and internationally, including Spain. At all relevant
5 times, Mr. LAWSON worked as an ASME SECTION 9 N STAMP WELDER under a
6 GENERAL ELECTRIC contract. This certification verifies that Mr. LAWSON was an
authorized worker at GENERAL ELECTRIC nuclear power plants.

7 10. On each occasion, GENERAL ELECTRIC failed to provide Mr. Lawson with
8 adequate safety measures to protect him from the highly hazardous radioactive materials
9 pervasive throughout the reactors.

10 11. On several occasions, Mr. Lawson was subjected to working inside GENERAL
11 ELECTRIC's power plants' piping systems, with the existence therein of highly radioactive,
12 standing water. Such occurrences were in direct violation of safety protocols requiring that such
13 piping systems be absolutely dry and free of radioactive water prior to any undertaking of
remediation or repair.

14 12. On these occasions, Mr. Lawson's exposure to radiation exceeded permissible
15 exposure levels, resulting in his having to be "scrubbed down" and removed from the job site.

16 13. In spite of repeated exposures, GENERAL ELECTRIC required Mr. Lawson
17 to return to work and complete his welding repair assignments while knowing that his repeated
18 exposures exceeded an amount that would have barred him from receiving any additional
19 radiation exposure, including low medical x-rays.

20 14. With full knowledge that Mr. Lawson had repeatedly been exposed to radiation
21 far in excess of the permissible levels while working for and on GENERAL ELECTRIC nuclear
22 reactors, GENERAL ELECTRIC continually contracted with and sent Mr. Lawson to work on
23 its other nuclear reactors. In so doing, GENERAL ELECTRIC disregarded the extent and
severity of radiation exposures previously incurred by Mr. Lawson.

24 15. Despite medical and scientific documentation to the contrary, GENERAL
25 ELECTRIC, through mandatory informative meetings, informed Mr. Lawson, as well as other
26 contracted workers, that G. E. could not apprise him/them of the long-term health effects of
27 repeated radioactive exposure.

28 16. Among the various welding repairs required and undertaken by Mr. Lawson

1 on GENERAL ELECTRIC reactors, were replacement welds in the cooling units of GENERAL
2 ELECTRIC's nuclear reactors.

3 17. In designing and assembling its boiling water nuclear reactor ("BWR") cooling
4 units, GENERAL ELECTRIC improperly welded the stainless steel housing of the reactor's
5 cooling unit to the carbon steel reactor which, due to compositional incongruities between
6 stainless and carbon steel, caused the seal between these two vitally important components to
rupture and fail.

7 18. This design fault required Mr. Lawson to enter the highly radioactive,
8 contaminated cooling system in order to grind out GENERAL ELECTRIC's faulty #316 welds
9 and replace them with the proper Inconel coupling and #316L welds in order to correctly attach
10 the stainless steel cooling unit and the carbon steel reactor.

11 19. GENERAL ELECTRIC designed its Boiling Water Reactors ("BWR") and its
12 equipment, including nozzles and piping. Mr. Lawson was contaminated with radiation while
13 working on GENERAL ELECTRIC's BWR in various states in the United States, including
14 Nebraska, New York, California, and other locations. All of GENERAL ELECTRIC's BWRs
15 are similarly designed but are constructed with different dimensions and under different
16 restrictions. Mr. Lawson's duties required that he receive and handle piping that had been
17 machined by co-workers and whose purpose was to retrofit installations. Mr. Lawson and his
18 crew would undertake the retrofit by welding these newly machined pipes inside the reactors as
19 replacements for defective and leaking piping. The defective and leaking piping would rupture
20 and displace radioactive water into the reactor turbines which otherwise subjected them to
21 contamination. GE required Mr. Lawson on several occasions to repair leaking defective pipes
22 while working directly in radioactive contaminated water. On some occasions, GE required Mr.
Lawson to work underneath the reactor, making welds off the bottom "head drain".

23 20. GE required Mr. Lawson to crawl inside the reactor's removed pipes in order to
24 affix and retrofit new pipes by hand. Often, Mr. Lawson was lying on his back or side, with his
25 head right up next to the reactors. Although Mr. Lawson and coworkers used lead shielding or
26 lead blankets (similar to those encountered at a dentist office) to protect themselves, the dosage
27 exposure rates were far in excess of 5 Rem (5000 Millirem (MR)), and sometimes as high 10,000
28 40,000 MR while inside the reactor piping.

1 21. At all relevant times, GE knew and was informed, that Mr. Lawson, and other
2 similarly situated contractors, were working on GE's BWR reactors, which were releasing
3 extremely dangerous levels of radiation. At all relevant times, GE knew and was informed, that
4 Mr. Lawson and other similarly situated contractors were exposed to unsafe and hazardous levels
5 of radiation. GE negligently and intentionally failed to make its premises safe; failed to insure
6 proper and safe working conditions, and failed to provide Mr. Lawson, and other similarly
7 situated contractors with proper protective clothing, gear and equipment for their head, body, and
8 extremities.

9 22. GE, a licensee of the Nuclear Regulatory Commission, negligently and
10 intentionally violated the NRC's radiation exposure safety guidelines by failing to adhere to the
11 NRC mandate that "a licensee shall control the occupational dose to individual adults".² GE
12 permitted, encouraged, maintained and engaged in a deceptive accounting of the "Occupational
13 dose limits for adults". GE knowingly and intentionally permitted Mr. Lawson, and other
14 similarly situated contractor workers, to be exposed to dangerously, high health hazard levels of
15 radiation that exceeded as much as two times the safe level of 5 Rem (5000 MR) established by
16 the NRA. For example, Mr. Lawson and other similarly situated contractor workers would start
17 and finish repairing a GE BWR three (3) or four (4) months prior to the end of the calendar year
18 and as such, accumulate doses of 4900 millirem of radiation, which was just shy of the allowable
19 limit of 5 Rem (5000 MR). On the first of January of the next year, Mr. Lawson and coworkers
20 would be dispatched to begin and complete a repair on another GE BWR, and thus, accumulate a
21 second 4900 millirem dose of radiation for a total of 9800 millirem or 9.8 Rem, almost double
22 the permissible occupational dose for an individual adult in a twelve month period.

23 23. GE knowingly and intentionally permitted Mr. Lawson, and other similarly
24 situated contractor workers, to be exposed to doses ranging from 6-8 Rem (6000-7000 MR) in a
25 6-7 month period of time by relying on this deceptive measuring of exposure. GE knowingly
26 exposed Mr. Lawson and co-workers to the otherwise legal limit of 4200, 4300, 4400 millirem
27 and then on January 1 of the next year, deceptively assert that exposure levels would reset to zero
28 and then send Mr. Lawson and others out to be exposed to another radioactive dose just shy of
the permissible 5 Rem (5000 MR). This practice resulted in Mr. Lawson receiving twice the

² § 20.1201 Occupational dose limits for adults.

1 permissible dosage in a six-month period. This was a deceptive business practice that directly
2 hurt Mr. Lawson, causing his present damages and harms, including, but not limited to, his
3 degenerating brain damage.

4 24. GE failed to warn or discuss with Mr. Lawson or his coworkers, the health effects
5 of the accumulation of high doses of radiation exposure during a sequential 5 or 6-year period,
6 and how such “stacking up” of high dosage rates negatively impacted their health. GE knowingly
7 and intentionally permitted Mr. Lawson, and other similar situated contractor workers, to be
8 exposed to radiation releases resulting in internal and external radiation contamination, including
9 radioisotope Cobalt 60 contamination. Internal and external radiation contamination occurred
10 with such frequency during the repair of GE’s BWRs, that workers referred to it as being
11 “Crapped- Up”. GE permitted, encouraged and engaged in practices that required Mr. Lawson,
12 and co-workers to be “Crapped-Up” with contamination of Cobalt 60 and other radioactive
13 materials such that they were forced to use soap and water and scrub and brush off the
14 contaminants and return to work in the same radiation “Hot Spots”.

15 25. GE knowingly and intentionally permitted Mr. Lawson and other similar situated
16 contractor workers to be exposed to radiation releases resulting in extreme high dose rates far in
17 excess of legal safe limits to his extremities and his head. Mr. Lawson was exposed to higher
18 dose rates to his head and extremities because GE failed to provide any protective gear for the
19 head, upper body and extremities. There was no cover for the upper body including his head
20 because GE failed to provide such protective gear and failed to warn of the long-term health
21 effects of repeated exposure.

22 26. One of the many radioactive isotopes Mr. Lawson and others similarly situated
23 were frequently exposed to in excess of the legal limits, was Cobalt-60. Cobalt-60 is a synthetic
24 radioactive isotope with a half-life of 5.2714 years.³ It is produced artificially in nuclear
25 reactors. Measurable quantities are also produced as a by-product of typical nuclear power plant
26 operation and may be detected externally when leaks occur. The health effects of Cobalt-60 after
27 entering a living mammal, such as a human being, are to damage and/or kill the cells. While
28 some Cobalt-60 is dissipated from the body, the remainder is taken up by tissues, mainly the

³ Half-life is the amount of time required for the amount of something to fall to half its initial value.

1 liver, kidneys, brain and bones, where the prolonged exposure to gamma radiation can cause
2 cancer and other degenerating conditions such as brain degeneration, as Mr. Lawson is suffering.

3 27. As a result of GENERAL ELECTRIC's failure to take precautionary measures to
4 ensure the safety of contractors like Mr. Lawson, who was contracted to undertake repairs on its
5 defectively designed and manufactured nuclear BWRs, G. E. subjected him to an immensely
6 higher risk of radiation exposure. Mr. Lawson has been afflicted with and continues to suffer
7 from "brain degeneration with dementia". These illnesses suffered by Mr. Lawson are a direct
8 and undisputed consequence of his being repeatedly exposed to radioactivity without which, and
9 but for GENERAL ELECTRIC's failure to provide for his safety, Mr. Lawson would not be
10 suffering from the ailments he is currently suffering and without which he would be able to enjoy
11 his well-deserved retirement with his friends and family.

12 **FIRST CAUSE OF ACTION**

13 **(Negligence)**

14 **(Against General Electric)**

15 28. Mr. Lawson hereby incorporates the allegations contained in the preceding
16 paragraphs, as though fully set forth herein.

17 29. California Code of Civil Procedure, Section 1714 provides, in pertinent
18 part, the following: "Everyone is responsible, not only for the result of his or her willful acts, but
19 also for an injury occasioned to another by his or her want of ordinary care or skill in the
20 management of his or her property or person, except so far as the latter has, willfully or by want
21 of ordinary care, brought the injury upon himself or herself."

22 30. Similarly, GENERAL ELECTRIC had a duty to protect Mr. Lawson from
23 incurring radioactive exposure beyond 5 Rem (5000 MR) of radiation annually, as determined by
24 the Nuclear Regulatory Commission. 10 C.F.R. § 20.1201(a)(1).

25 31. At all times herein mentioned, it was the duty of GENERAL ELECTRIC's
26 servants, agents and/or employees to maintain, manage and control its nuclear reactors in a
27 reasonably safe and suitable condition, and to provide contractors, like Mr. Lawson, who were
28 contracted to undertake remediation and repair, with reasonably safe work environments and
safety protocols to account for the on-site existence of ultra-hazardous radioactive materials.

1 32. At all relevant times herein, GENERAL ELECTRIC knowingly and negligently
2 caused, permitted and allowed Mr. Lawson to engage in his welding and metallurgic duties
3 without providing him with proper safety instructions, precautions, and equipment. Additionally,
4 although knowing that Mr. Lawson had been exposed to radiation far in excess of the amounts
5 permissible, GENERAL ELECTRIC required Mr. Lawson to continue working on its nuclear
6 power plants with full knowledge that he had cumulatively been exposed to excessive and
harmful levels of radiation.

7 33. GENERAL ELECTRIC effectively exposed Mr. Lawson to over 5 Rem (5000
8 MR) of radiation annually which exceeded the occupational dose limit for nuclear energy
9 workers as determined by the Nuclear Regulatory Commission. 10 C.F.R. § 20.1201(a)(1). By
10 allowing for such excessive exposure, GENERAL ELECTRIC further breached its duty of care
11 to Mr. Lawson who, as a contract worker who singularly provided his welding services to
12 GENERAL ELECTRIC, reasonably relied upon GENERAL ELECTRIC's due care for his
safety and well being.

13 34. GENERAL ELECTRIC controlled all of the activities at its nuclear power plants,
14 and therefore is responsible for increasing the release of radiation above the 5 Rem (5000 MR)
15 safe levels of radiation exposure, and for causing Mr. Lawson's accumulation of excessive doses
16 of radiation exposure. Hence, General Electric is responsible for causing the damages alleged in
17 this Complaint. GENERAL ELECTRIC knew or, in the exercise of due care, should have
18 known, that Mr. Lawson, as well as other contractors working on GENERAL ELECTRIC's
19 nuclear reactors, would be directly and harmfully impacted by GENERAL ELECTRIC's
20 negligent conduct.

21 35. At all relevant times GENERAL ELECTRIC was aware that exposure
22 to radiation creates severe danger to contractors' health and was also aware of the importance of
23 accurately monitoring and registering radioactive levels in its power plants.

24 36. Nuclear radiation is a known human carcinogen that is linked to many
25 human health problems. The U.S. Environmental Agency ("EPA") classifies it as a human
carcinogen.

26 37. As a direct and proximate result of the wrongful acts and negligence of
27 GENERAL ELECTRIC that resulted in radiation exposure beyond the limits set out in 10 C.F.R.
28 § 20.1201(a)(1), Mr. Lawson suffered damages as alleged herein. Mr. Lawson must now endure

1 the life-ending aftermath of severe and cumulative radiation poisoning and the suffering which,
2 had GENERAL ELECTRIC exercised its duty of care, could have been avoided.

3 38. Upon information and belief, as a further direct and proximate result of
4 GENERAL ELECTRIC's negligence, Mr. Lawson has been and will be required to undergo
5 further medical testing, evaluation and medical procedures, including but not limited to,
6 treatment to stop or slow the progression of his brain degeneration and efforts to seek a cure, and
7 will be required to employ extraordinary means to achieve a cure.

8 39. As a further direct and proximate result of GENERAL ELECTRIC's negligence,
9 Mr. Lawson has incurred losses and damages for personal injury, loss of use and enjoyment of
10 life, the need for periodic medical examination and treatment, and economic losses, including the
11 expenditure of time and money, and will continue to incur losses and damages in the future.

12 40. Mr. Lawson also faces additional and irreparable harm to his life expectancy
13 which has been shortened and cannot be restored to its prior condition.

14 41. GENERAL ELECTRIC's conduct was willful, wanton, reckless, malicious
15 and/or exhibited a gross indifference to, and a callous disregard for human life, safety and the
16 rights of others, and more particularly, the rights, life and safety of Mr. Lawson; and was
17 motivated by consideration of profit, financial advantage, monetary gain, economic
18 aggrandizement and/or cost avoidance, to the virtual exclusion of all other considerations.

19 42. Due to GENERAL ELECTRIC's negligence, Mr. Lawson is entitled to
20 compensatory damages in a sum to be determined by the jury, plus punitive damages in a sum
21 equal to treble the damages determined to be adequate by the jury.

22 Wherefore, Mr. Lawson requests relief as hereinafter provided.

23 **SECOND CAUSE OF ACTION**
24 **Strict Liability for Ultra hazardous Activities**
25 **(Against General Electric)**

26 43. Mr. Lawson hereby incorporates the allegations contained in the preceding
27 paragraphs, as though fully set forth herein.

28 44. By relying on ultra-hazardous radioactive material as the source with which
to produce electricity, the operation of a nuclear reactor is undeniably an ultra hazardous activity.

1 45. Said activity caused Mr. Lawson harm, damages, losses, injuries, including medical
2 bills, loss of enjoyment of life, fear, anxiety, mental and emotional distress and other economic
3 and non-economic damages.

4 46. GENERAL ELECTRIC is thereby strictly responsible and liable for Mr.
5 Lawson's harms, injuries, and damages (both economic and non-economic), by negligently and
6 recklessly engaging in the production of nuclear power, which is a well-established ultra-
7 hazardous activity.

8 47. Mr. Lawson's injuries, damages, losses and harm are the kind of harm that would
9 necessarily be anticipated as a result of the risk created by GENERAL ELECTRIC's willful
10 exposure of Mr. Lawson to harmful levels of radiation.

11 48. GENERAL ELECTRIC's acts proximately caused harm and damage to Mr.
12 Lawson, including personal injury, loss of enjoyment of his life, the need for periodic
13 examination and treatment, as well as economic losses including the cost of obtaining a potential
14 cure, and other needless expenditures of time and money. Mr. Lawson will continue to incur
15 losses and damage in the future

16 49. GENERAL ELECTRIC intended to cause or acted with conscious disregard of
17 the probability of causing injury to Mr. Lawson, and therefore, is liable for punitive damages.

18 Wherefore, Mr. Lawson requests relief as hereinafter provided.

19 **THIRD CAUSE OF ACTION**
20 **(Strict Liability Manufacturing and Design Defect)**
21 **(Against General Electric)**

22 50. Mr. Lawson hereby incorporates the allegations contained in the preceding
23 paragraphs, as though fully set forth herein.

24 51. GENERAL ELECTRIC manufactured, distributed, and sold the subject defective
25 Boiling Water Reactors ("BWRs"), an unreasonably dangerous product.

26 52. GENERAL ELECTRIC had a duty of due care to design and manufacture
27 reasonably safe Nuclear Power boiling water reactors.

28 53. GENERAL ELECTRIC had a duty of care to test its nuclear reactors, particularly
the vitally important interface between the carbon steel reactor and the stainless steel cooling
system in order to determine the risks posed to all persons, including contracted workers like Mr.
Lawson.

1 54. GENERAL ELECTRIC had a duty not to put on the market, or engaged the use of an
2 unsafe and defectively designed product that posed a serious danger to all persons within its
3 vicinity, including those, like Mr. Lawson, who would invariably be called upon to make repairs
4 and retrofits on the reactors.

5 56. GENERAL ELECTRIC breached said duties of due care when they manufactured
6 a defectively designed product, namely BWRs, with actual or constructive knowledge of the
7 defects. Due to the design and manufacturing defects, the reactors were not reasonably safe and
8 protective of the environment generally and specifically for those called upon to make repairs,
9 including Mr. Lawson.

10 57. The defective design of GENERAL ELECTRIC's nuclear reactors, as alleged
11 herein, actually and proximately caused reasonably foreseeable damages to Mr. Lawson.

12 58. GENERAL ELECTRIC's conduct in the design, manufacture, and maintenance
13 of its boiling water reactors, a defective or unreasonably dangerous product, makes GENERAL
14 ELECTRIC strictly liable to Mr. Lawson.

15 Wherefore, Mr. Lawson requests relief as hereinafter provided.

16 **FOURTH CAUSE OF ACTION**

17 **Premises Liability**

18 **(Against General Electric)**

19 59. Mr. Lawson hereby incorporates the allegations contained in the preceding
20 paragraphs, as though fully set forth herein.

21 60. California Code of Civil Procedure, Section 1714 provides, in pertinent
22 part, the following: "Everyone is responsible, not only for the result of his or her willful
23 acts, but also for an injury occasioned to another by his or her want of ordinary care or skill in
24 the management of his or her property or person..."

25 61. GE breached its legally imposed duty by negligently failing to use ordinary care
26 in the management, design, maintenance, and manufacturing of its property at its various BWR
27 nuclear power plants through the United States. GE's negligence caused massive releases of
28 radiation and radioactive materials resulting in permanent, life-threatening injury to Mr. Lawson.

62. GENERAL ELECTRIC's conduct in the design, manufacture, use, engagement,
management and maintenance of its boiling water reactors, a defective and/or unreasonably
dangerous product, makes GENERAL ELECTRIC strictly liable to Mr. Lawson.

Wherefore, Mr. Lawson requests relief as hereinafter provided.

FIFTH CAUSE OF ACTION
Negligence Per Se
(Violation of NRC Regulations)

63. Mr. Lawson hereby incorporates the allegations contained in the preceding paragraphs as though fully set forth herein.

64. GE violated NRC Regulations Title 10, Code of Federal Regulations, including: § 20.1502: “Conditions requiring individual monitoring of external and internal occupational dose. Each licensee shall monitor exposures to radiation and radioactive material at levels sufficient to demonstrate compliance with the occupational dose limits of this part.

As a minimum—(a) Each licensee shall monitor occupational exposure to radiation from licensed and unlicensed radiation sources under the control of the licensee and shall supply and require the use of individual monitoring devices by—(1) Adults likely to receive, in 1 year from sources external to the body, a dose in excess of 10 percent of the limits in § 20.1201(a),

A.) § 20.1601 Control of access to high radiation areas. (a) The licensee shall ensure that each entrance or access point to a high radiation area has one or more of the following features--

(1) A control device that, upon entry into the area, causes the level of radiation to be reduced below that level at which an individual might receive a deep-dose equivalent of 0.1 rem (1 mSv) in 1 hour at 30 centimeters from the radiation source or from any surface that the radiation penetrates; (2) A control device that energizes a conspicuous visible or audible alarm signal so that the individual entering the high radiation area and the supervisor of the activity are made aware of the entry;

B.) § 20.1201 Occupational dose limits for adults, providing, in pertinent part, the following:

(a) The licensee shall control the occupational dose to individual adults, except for planned special exposures under § 20.1206, to the following dose limits. (1) An annual limit, which is the more limiting of-- (i) The total effective dose equivalent being equal to 5 rems (0.05 Sv); or (ii) The sum of the deep-dose equivalent and the committed dose equivalent to any individual organ or tissue other than the lens of the eye being equal to 50 rems (0.5 Sv). (2) The annual limits to the lens of the eye, to the skin of the whole body, and to the skin of the extremities, which are: (i) A lens dose equivalent of 15 rems (0.15 Sv), and

(ii) A shallow-dose equivalent of 50 rem (0.5 Sv) to the skin of the whole body or to the skin of any extremity. (b) Doses received in excess of the annual limits, including doses received during accidents, emergencies, and planned special exposures, must be subtracted from the limits for planned special exposures that the individual may receive during the current year (see § 20.1206(e)(1)) and during the individual's lifetime (see § 20.1206(e)(2)).

65. Defendant GE violated § 20.1502 by failing to “monitor occupational exposure to radiation” during the repairs of its BWR, and failing to “supply and require the use of individual monitoring devices” by Mr. Lawson and similarly contractor workers, who were “likely to receive, [and did receive] in 1 year from sources external to the body, a dose in excess of 10 percent of the limits in § 20.1201(a)” of 5 rems. On information and belief, Defendant GE did not supply nor require the use of any, or a reasonably appropriate, individual monitoring devices for determining the exposure levels to the upper-body, extremities and the head of Mr. Lawson and his coworkers.

66. Defendant GE violated § 20.1601 by failing to provide at each of the BWR repair locations (1) A control device that, upon entry into the area, causes the level of radiation to be reduced below that level at which an individual might receive a deep-dose equivalent of 0.1 rem (1 mSv) in 1 hour at 30 centimeters from the radiation source or from any surface that the radiation penetrates. Defendant GE violated § 20.1601 by failing to provide (2) A control device that energizes a conspicuous visible or audible alarm signal so that the individual entering the high radiation area and the supervisor of the activity are made aware of the entry. Mr. Lawson and coworkers were working in areas with very high radiation releases, without any devices emitting an “audible alarm”, signaling high radiation releases.

67. Defendant GE violated § 20.1201 by engaging in an unreasonably deceptive scheme to determine the occupational dose to which Mr. Lawson and those similarly situated were exposed, and a failed to “control the occupational dose: to “[a]n annual limit, which is the more limiting of--(i) The total effective dose equivalent being equal to 5 rems (0.05 Sv)....”

68. The Purpose of NRC Regulations Title 10, Code of Federal Regulations is to “(a)...establish standards for protection against ionizing radiation resulting from activities conducted under licenses issued by the Nuclear Regulatory Commission.) (b) It is the purpose of the regulations in this part to control the receipt, possession, use, transfer, and disposal of licensed material by any licensee in such a manner that the total dose to an individual (including

1 doses resulting from licensed and unlicensed radioactive material and from radiation sources
2 other than background radiation) does not exceed the standards for protection against radiation
3 prescribed in the regulations in this part. However, nothing in this part shall be construed as
4 limiting actions that may be necessary to protect health and safety. § 20.1001”

5 69. Mr. Lawson is in the class of “individual[s]” for whom the NRC Regulation seek
6 to protect by its purpose “...to control the receipt, possession, use, transfer, and disposal of
7 licensed material by any licensee in such a manner that the total dose to an individual (including
8 doses resulting from licensed and unlicensed radioactive material and from radiation sources
9 other than background radiation) does not exceed the standards for protection against radiation.
10 Since Defendant GE violated this Regulation by failing to control the receipt of radiation releases
11 to Mr. Lawson, which exceeded “the standards for protection against radiation” of 5 rems,
12 Defendant GE is negligent per se, entitling Mr. Lawson to all economic and non-economic
13 damages.

14 Wherefore, Mr. Lawson requests relief as hereinafter provided.

15
16 **SIXTH CAUSE OF ACTION**
17 **(Loss of Consortium)**
18 **(Against General Electric)**
19

20 70. Plaintiffs hereby incorporate the allegations contained in the preceding
21 paragraphs, as though fully set forth herein.

22 71. Plaintiff Darla Lawson, Mr. Lawson’s spouse, herein alleges that she has been
23 harmed by the injury to her husband. Therefore, Mrs. Darla Lawson seeks to be reasonably
24 compensated for the loss of her husband’s companionship, financial support and services, past
25 and future, including the loss of love, companionship, comfort, care, assistance, protection,
26 affection, society, moral support; and the loss of the enjoyment of sexual relations.
27

28 **PRAYER FOR RELIEF**

1. For a judgment ordering, requiring and compelling GENERAL
ELECTRIC to take full responsibility and liability for all of Plaintiffs’
damages, economic and non-economic.
2. For special and economic damages, including lost wages, for all Causes of
Action;
3. For general and non-economic damages for all Causes of Action;

4. For punitive damages for all Causes of Action;
5. For prejudgment interest at the prevailing legal rate;
6. For costs of the suit including reasonable attorneys' fees; and
7. For such other and further relief, including injunctive relief, as the Court may deem proper.

Dated: May 28, 2015

**RESPECTFULLY SUBMITTED,
LAW OFFICES OF BONNER & BONNER**

By: /S/CHARLES A. BONNER
CHARLES A. BONNER
Attorney for Plaintiffs

DEMAND FOR JURY TRIAL

PLAINTIFFS hereby demand a jury trial of all issues as provided by Rule 38(a) of the Federal Rules of Civil Procedure.

Dated: May 28, 2015

**RESPECTFULLY SUBMITTED,
LAW OFFICES OF BONNER & BONNER**

By: /S/CHARLES A. BONNER
CHARLES A. BONNER
Attorney for Plaintiffs